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6/83

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
Fountain Square
Columbus, Ohio 43224APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION
This Form Cannot Be Utilized For The Removal Of Coal
(File in Quadruplicate)

1. Permittee's Name BENNOC, INC. Phone 740-782-1330
2. Address 38722 NATIONAL ROAD, P.O. BOX 208 Zip Code 43759
MORRISTOWN, OHIO
3. Coal Mining Permit # D-1159
4. Additional Acres to be permitted 1.1
5. Has this acreage been affected _____ Yes, X No.
6. Describe the reason this additional acreage is required.
ADDITIONAL AREA IS NEEDED FOR TOPSOIL STORAGE.
7. Describe the activities to be conducted on this area.
TOPSOIL STORAGE
8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X No _____

SEE D-1159 FOR PRIME FARMLAND INFORMATION. THIS AREA IS ADDRESSED IN THE ORIGINAL PERMIT. PFL AREA WILL BE RESTORED TO THE ATTACHMENT 15 STANDARDS IN THE ORIGINAL PERMIT D-1159.

If "no", describe any changes to the previously approved permit application that will apply to this revised area.

ORIGINAL

(continued on reverse side)

9. LOCATION OF ADDITIONAL ACRES TO BE AFFECTED DURING PERMIT PERIOD. (List all surface and mineral owners and all locations applicable to each ownership as shown on the location map. If owner name is repeated, show address only once. If permittee is owner, address is not necessary.)

NAME OF SURFACE AND MINERAL OWNERS	Twp. & Range	Section	Township	County
Name <u>AMERICAN ENERGY CORP.</u> Address <u>P.O. BOX 210 1298 SOM CENT RD</u> City & State <u>MAYFIELD HEIGHTS, OHIO</u> Surface <u>X</u> Mineral <u>X</u> Zip <u>44124</u>	T-6 R-5	4	WAYNE	BELMONT
Name _____ Address _____ City & State _____ Surface _____ Mineral _____ Zip _____				
Name _____ Address _____ City & State _____ Surface _____ Mineral _____ Zip _____				

(If additional space is needed, list on a separate sheet in this format.)

I, the undersigned authorized representative of the permittee, hereby attest that no coal has been or will be removed from the acreage identified in this application.

Samy Conway PRESIDENT 2-25-97
Signature Title Date

(FOR DIVISION USE ONLY)

This application is hereby Issued by the Asst Chief, Division of Reclamation and effective this date. The acreage identified in item 5 of this application is now part of permit P-1059 (permit #)

10-4-99 Date Russ Schallert Asst. Chief, Division of Reclamation

\$ 2,950.00 of performance bond and \$ 92.00 acreage fee was received on 9-22-99 (Date)

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MAR 1 1999

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION
Fountain Square
Columbus, Ohio 43224

DIVISION OF MINES
AND RECLAMATION
COLUMBUS, OHIO

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ADDITIONAL AREA IS NEEDED FOR TOPSOIL STORAGE.

7. Describe the activities to be conducted on this area.

TOPSOIL STORAGE

8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X No

SEE D-1159 FOR PRIME FARMLAND INFORMATION. THIS AREA IS ADDRESSED IN THE ORIGINAL PERMIT. *(If area will be restored to 15 standards contained in the original permit.)*

If "no", describe any changes to the previously approved permit application that will apply to this revised area.

(continued on reverse side)

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

ATTACHMENT 9
(CONSENT TO MINE WITHIN 100 FEET OF A PUBLIC ROAD)

Applicant's Name BENNOC, INC.

Application/Permit Number _____

This form, pursuant to Ohio Revised Code Sections 1513.073 and 4153.11 and rule 1501:13-3-04 of the Ohio Administrative Code, is to be completed if the applicant proposes to mine through or within one hundred (100) feet, measured horizontally, of the outside right-of-way line of any public road and the applicant does not have valid existing rights. Where the proposed mining operation is to be conducted within one hundred (100) feet, measured horizontally, of the outside right-of-way line of any public road, and the applicant does not have valid existing rights, then the applicant must obtain the necessary approval of the governmental authority with jurisdiction over the public road by completing this form and having it signed by the governmental authority.

A map showing the road or the portion thereof to which this consent to mine applies is attached and a description follows:

The applicant proposes to conduct the following activities as part of the mining operation subject to the granting of this road permit:

X spoil deposit See below.

X topsoil storage

_____ equipment storage

_____ pond construction

_____ excavation or location of _____ foot highwall

X other (describe) Crushing of coal to be located in the area of 100 feet of the road but no augering under right of way.

Describe the measures to be used to ensure that the interests of the public and landowners are protected.

Operator shall have the right to license within 15-20 feet of the roadway. This conditioned license shall not to include the right to mine; the right to place topsoil, or the right to place subsoil within 15-20 feet of the roadway.

TO BE COMPLETED BY THE APPLICABLE ROAD AUTHORITY
(within 30 days of completion of the public hearing):

The applicant has made public notice, at least two weeks prior to this hearing, a copy of which is attached, of his intent to obtain a road permit. An opportunity for interested parties to present testimony was provided at a hearing held on Nov 6, 1992 and based on testimony presented and on a review of this application, the public road authority finds that the interests of the public and affected landowners will be protected. Therefore, this road permit is granted effective Nov 6, 1992, and shall remain in effect until coal mining and reclamation operations are completed under the coal mining permit issued pursuant to this permit.

The applicant or permit transferee is hereby granted a road permit to conduct the above described activities in the following manner:

1. x Within one hundred (100) feet of the outside right-of-way line but no closer than 0 feet of the traveled portion of public road # 74; or (SEE ATTACHED EXHIBIT)
2. Within one hundred (100) feet of the outside right-of-way line and through public road # _____.

Signed William E. Ryan Date 11-5-98

Title _____

CHAIRMAN OF THE BOARD OF
TOWNSHIP TRUSTEES

Signed Russ D. Nicholson Date 11-5-98

Title Trustee

Signed Rick Hagman Date 11-5-98

Title Trustee

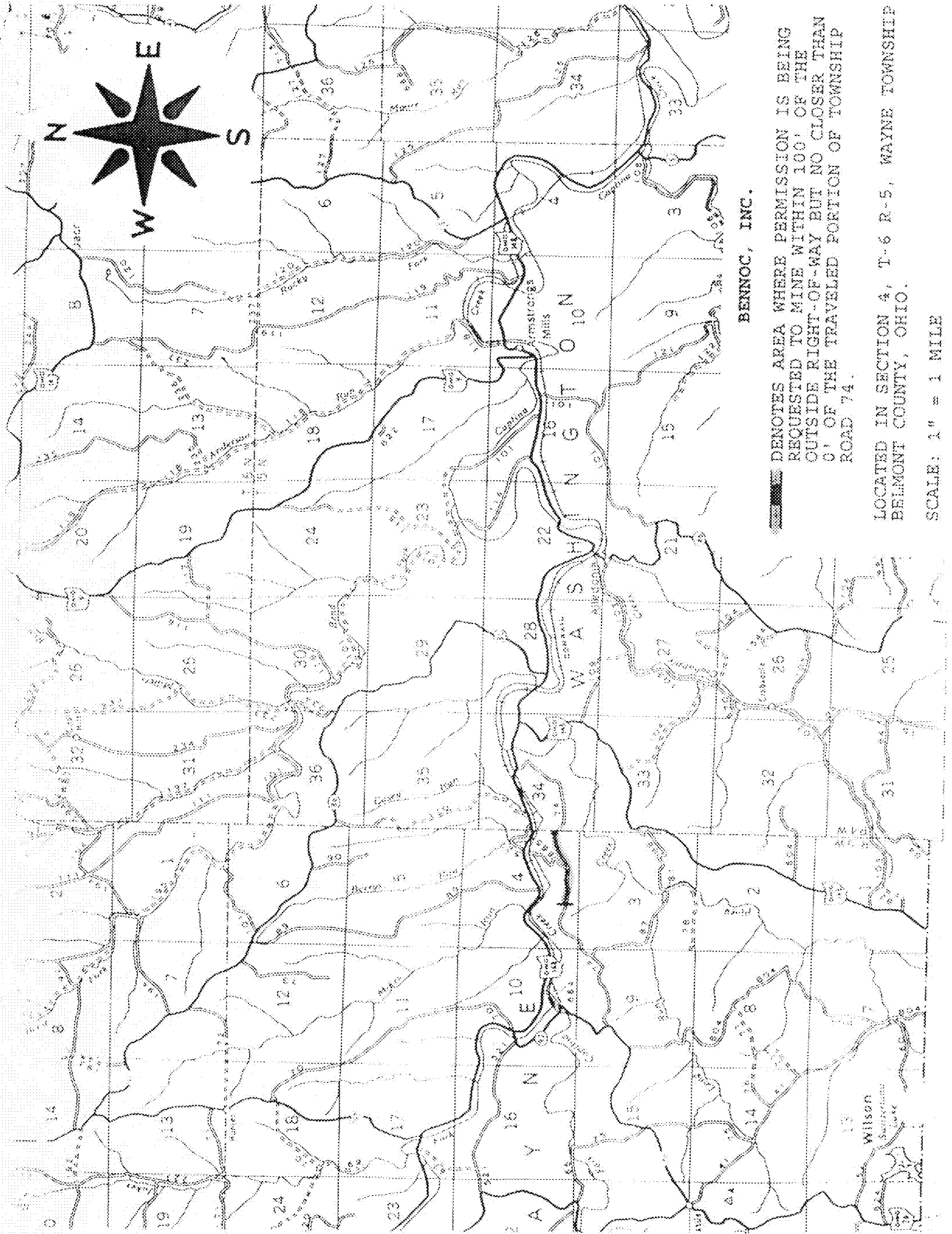
(For Division Use Only)

✓ Approved


Disapproved

Russ Schellky
Ad. Chief, Division of Reclamation

10-4-99
Date



BENNOC, INC.

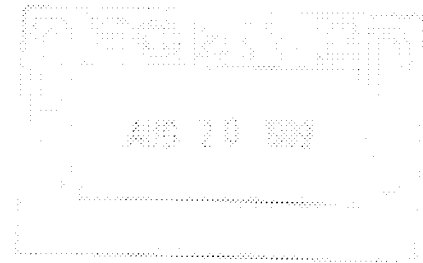
 DENOTES AREA WHERE PERMISSION IS BEING REQUESTED TO MINE WITHIN 100' OF THE OUTSIDE RIGHT-OF-WAY BUT NO CLOSER THAN 0' OF THE TRAVELED PORTION OF TOWNSHIP ROAD 74.

LOCATED IN SECTION 4, T-6 R-5, WAYNE TOWNSHIP, BELMONT COUNTY, OHIO.

SCALE: 1" = 1 MILE

ADDENDUM TO ATTACHMENT 9
BENNOC, INC.

SITUATED IN SECTION 4, TOWNSHIP 6, RANGE 5, WAYNE TOWNSHIP, BELMONT COUNTY, OHIO. BEGINNING 140 FEET WEST OF THE INTERSECTION OF TOWNSHIP ROAD 74 AND THE EAST LINE OF SECTION 4, THENCE FROM SAID PLACE OF BEGINNING AND FOLLOWING TOWNSHIP ROAD 74 IN A WESTERLY DIRECTION FOR A DISTANCE OF 3200 FEET TO THE POINT OF TERMINUS.



EXHIBIT

Operator shall have the right to license within 15-20 feet of the roadway. This conditioned license shall not to include the right to mine; the right to place topsoil, or the right to place subsoil within 15-20 feet of the roadway.

Affidavit of Publication

County of Belmont

State of Ohio

SS

Connie Taylor

who, is the

Adm. Dir.

of THE BARNESVILLE EN-

TERPRISE, a weekly newspaper

published in and of general

circulation in said county, states

that the notice, of which the af-

fixed is a copy, was published in

said paper for 2.....

consecutive weeks commencing

Oct. 21

is *98*

Connie Taylor

Title *Adm. Dir.*

Printer's Fee \$ *85.50*

PUBLIC NOTICE

A request has been made to the Wayne Township Trustees, Belmont County, Ohio to permit Barnes, Inc. to conduct surface mining operations within 100 feet of the outside Right-of-Way line, but no closer than 0 feet of the traveled portion of Township Roads 74, 87, and 88, within 100 feet of Township Road 81, and through specific traveled portions of Township Roads 91 and 88. TOWNSHIP ROAD 74

Located in Section 4, Township 6, Range 5, Wayne Township, Belmont County, Ohio. Beginning 140 feet west of the intersection of Township Road 74 and the east line of section 4, thence from said place of beginning and following Township Road 74 in a westerly direction for a distance of 3200 feet to the point of terminus.

TOWNSHIP ROAD 87

Located in Section 3, Township 6, Range 5, Wayne Township, Belmont County, Ohio. Beginning at the intersection of Township Road 87 and 81, thence from said place of beginning and following Township Road 87 in a northwesterly direction for a distance of 4230 feet to the point of terminus.

TOWNSHIP ROAD 81

Located in Section 3, Township 6, Range 5, Wayne Township, Belmont County, Ohio. Beginning at the intersection of Township Roads 88 and 81, thence from said place of beginning and following Township Road 81 in a westerly direction for a distance of 1780 feet to the point of terminus.

TOWNSHIP ROAD 88

Located in Section 3, Township 6, Range 5, Wayne Township, Belmont County, Ohio. Beginning 100 feet southwest of the intersection of Township Road 88 and State Route 145, thence from said place of beginning and following Township Road 88 in a northwesterly direction for a distance of 3520 feet to the point of terminus.

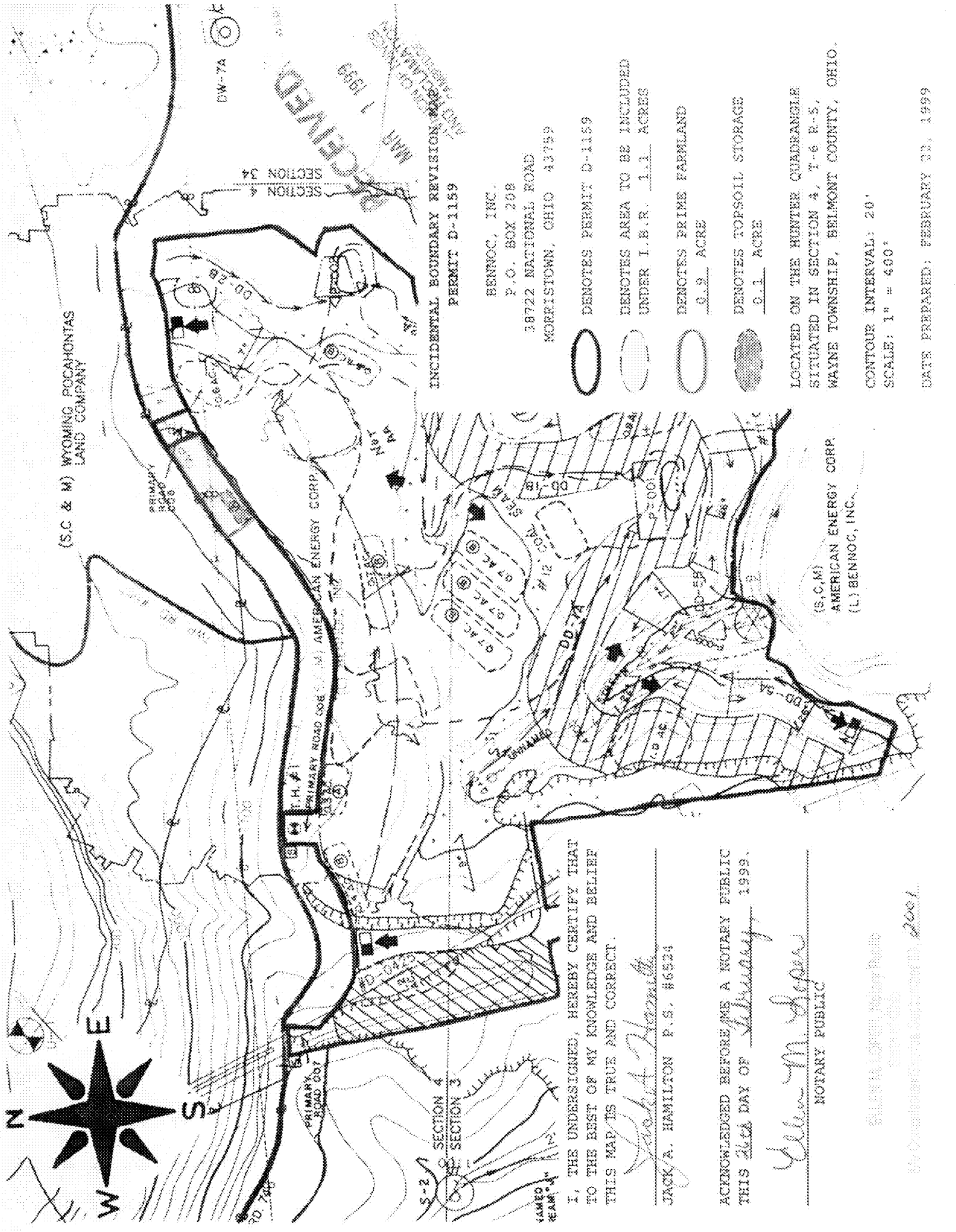
A hearing will be held on this request at 7:00 p.m. on November 3, 1998 at the Wayne Township garage on Route 26 at New Castle, Ohio. Oct. 21, 2-Wed.

I hereby certify that this is a true copy of the original.

Ellen M. Loper

ELLEN M. LOPER, County Auditor
State of Ohio

My Commission Expires September 22, 2001



Robert Hamilton
JACK A. HAMILTON P.S. #6524
ACKNOWLEDGED BEFORE ME A NOTARY PUBLIC
THIS 24th DAY OF February, 1998.

ACKNOWLEDGED BEFORE ME A NOTARY PUBLIC
THIS 26th DAY OF February 1999.

21802 286308

1000

BENNOC, INC.
P.O. BOX 208
39722 NATIONAL RD
MORETOWN, OHIO

DEVOTES AREA TO BE INCLUDED
UNDER I.E.R. 1.1 ACRES

0.9 ACRE

DENOTES TOPSOIL STORAGE
0.1 ACRE

LOCATED ON THE HUNTER QUADRANGLE
SITUATED IN SECTION 4, T-6 R-5,
WAYNE TOWNSHIP, BELMONT COUNTY, OHIO.

CONTOUR INTERVAL: 20'
SCALE: 1" = 400'

DATE PREPARED: FEBRUARY 22, 1999

Operator Bennoc, Inc. Permit No. D-1159
Type of Mine Surface Date of Review 8-10-99
Consultant Jack Hamilton Inspector J. Peterbaugh

Incomplete

[illegible]

Less Than 5%
Acreage Proposed
Location of Proposed Area
Dashed Black Boundary, Shaded Yellow
Ponds Noted, If Applicable
Nature of Watershed if Different From Permit
Public Road W/in 100 Feet of Permit
Everything W/in 500 Feet of Permit
All Perennial & Intermittent Streams
County, Twp., Section, Lot, Boundaries & Names
All Buildings W/in 300 Feet of IBR Area
Name of Landowner/Mineral Owner
Four Copies of Map
Statement Certifying Correctness of Map
Notarization

Map Title
Operator's Name and Address
Township & County Name
Section(s) &/or Lot(s) Number(s)
Map Scale (Same as Approved Map)
Contour Interval
Date Prepared
Permit Number

INTEROFFICE MEMO

Date: 7/9/99

To: Phyllis Peaks

From: Brad Burwell

RE: IBR, Bennoc, Inc. D-1159, 1.1 ac.

Recommending approval pending further permitting/Hydro/Archeological review.

BB



7/9/99

1

inter-office communication

to: BRAO BUREWELL date: 9-9-99

from: JOHN PUTTEBAUGH

subject: I BR FOR LAC on 9-11-99

I HAVE REVIEWED THIS I BR + SENT
AND OBTAINED JACK JOHANNES APPROVAL.
I THEREFORE RECOMMEND APPROVAL!

**ODNR - DIVISION of
MINES and
RECLAMATION**

Memo

To: John Puterbaugh
From: Jack C. Johannes *JCH*
CC: Tom Hines
Date: May 17, 1999
Re: Bennoc, Inc. -- Permit #D-1159 -- I.B.R. for Additional Area for Topsoil Storage

I have no objection to this I.B.R. to add area to store topsoil on. I, therefore, recommend approval of this I.B.R. Care should be taken leave adequate topsoil on the storage area.

RECEIVED

MAY 18 1999

DIVISION OF MINES
AND RECLAMATION

RECEIVED
JUL 14 1999

permittis

SEP 22 1999

DIVISION OF MINES & RECLAMATION

R30 Rev. 8/99

Ohio Department of Natural Resources
Division of Mines and Reclamation
Fountain Square, H-3
Columbus, Ohio 43224

BENNOG INC
BOX 208
38722 NATIONAL ROAD
MORRISTOWN, OH 43759

Invoice No: **240**
Invoice Date: 08/26/1999
Print Date: 08/26/1999
Permit Type: C
Law: D No: 1139
Application: 1363

Re: Request for Bonds and Fees

Dear Sir/Madam:

The following action has been approved or completed:

Application: IBR-2

Bond and fees in the amounts shown below are due before the application can be issued. Bond may be in the form of Surety Bond, Cash Bond, Certificate of Deposit or Letter of Credit.

The fees and bond should be paid to the Division of Mines and Reclamation within thirty(30) days from the date shown above and should reference the given invoice number to insure proper credit. All checks should be payable to the State of Ohio and sent to my attention at the above address.

Bond Amount Due			Fee Amount Due		
1.10 x	\$2,500.00 =	\$2,750.00	1.1 x	\$75.00 =	\$82.50 Acreage Fee
		<i>pol</i>	Total:		\$82.50
					<i>pol</i>

If you have any questions concerning this billing, please contact me at (614) 265-6640

Sincerely,

Terri Hufford
Terri Hufford, Bonding Manager
Division Mines and Reclamation

cc: File
Cambridge

Ohio Department of Natural Resources
Division of Mines and Reclamation
Fountain Square, H-3
Columbus, Ohio 43224

BENNOC INC
BOX 208
38722 NATIONAL ROAD
MORRISTOWN, OH 43759

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Sincerely,



Terri Hufford, Bonding Manager
Division Mines and Reclamation

cc: File
Cambridge

INTER-OFFICE COMMUNICATION

ARCHAEOLOGY STATUS FORM

TO:

Scott Stitzer

FROM:

Jeff Reichwein, Ph.D.

DATE:

October 4, 1999

Applicant:

Bennet Inc.

Permit:

Application:

D-1159 IBR Hanes

PLEASE INDICATE BELOW THE STATUS OF THE HISTORIC AND PREHISTORIC PROPERTIES
ON THE ABOVE APPLICATION:

X

CLEARANCE: EXPLANATION PROVIDED IN CLEARANCE LETTER.

CONDITIONAL CLEARANCE: EXPLANATION PROVIDED BELOW:

SURVEY PENDING: EXPLANATION PROVIDED BELOW:

